



**STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES  
7<sup>th</sup> FLOOR, CORDELL HULL BUILDING  
436 6<sup>TH</sup> AVENUE NORTH  
NASHVILLE, TN 37243-1290**

**MEMORANDUM**

**Hand-Delivered**

**TO:** Calvin Gooch, DCS Officer, Employee ID 00372618  
**FROM:** *K. O'Day*  
Kathryn R. O'Day, Commissioner  
**DATE:** February 7, 2013  
**SUBJECT:** Termination from State Service  
**RE:** Internal Affairs Case Number IAC-1206-MT1097

This memorandum serves as official notice of your dismissal from the Department of Children's Services effective **February 17, 2013**. This includes a ten (10) calendar day paid notice.

My decision to dismiss you is based on the following:

On June 5, 2012, the Internal Affairs Division (IAD) began to conduct an inquiry regarding the death of a student, K.O. Institution Superintendent Tracy Haney informed IAD that on May 25, 2012 at 10:56 a.m., you discovered K.O. unresponsive in his assigned dormitory room (Read Dormitory Room #9). Code Blue (the medical code) was sounded and the facility medical team arrived and administered Cardiopulmonary Resuscitation until the Nashville Emergency Services Technicians arrived on campus. K.O. was transported to Vanderbilt Hospital and pronounced dead. The medical examiner's initial report noted that K.O. had a major seizure, which was the cause of death.

IAD reviewed the DCS Incident Report, typed/handwritten statements, DCS Accident/Incident/Injury Report, Read Dormitory Logbook, WHYDC Central Operations Center Security Call Record Sheet and the video footage of Read Dormitory. Photographs of K.O.'s room were also taken. While reviewing all information, IAD noted that on May 25, 2012, you failed to conduct all the required security checks for the Read Dormitory. Your last recorded security check was logged for 8:15 a.m.

During your interview with IAD, you acknowledged that you did not conduct all the required physical counts of the students during your shift at Read Dormitory. You also failed to conduct a physical count of the students upon your return from break at 10:24 a.m. You further stated that you did not hear any noises or sounds coming from K.O.'s

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room. You were aware that K.O. had a history of seizures because you were present on another occasion when K.O. had a seizure.

**You failed to comply with Woodland Hills Youth Development Center Post Orders – All Living Units:**

*(1) Make a physical head count before taking charge of the dormitory. When conducting the head count, all activity shall cease and the officers shall have the student's attention. Students shall be seated quietly in the day area or in their room until the officer completes the count and is satisfied regarding the location of all students on the roster. Students shall not be allowed in the security booth at any time unless they are going to or from a confinement cell.*

*(6) Continuous supervision of all students shall be maintained at all areas and during all movements. Staff should know the rules, procedures and schedules. Students shall be given instructions and they shall be corrected when failing to follow those instructions. A check on each student's room shall be made every 30 minutes and at random intervals. On the 10-6 shift a roving security staff assigned by the shift supervisor shall perform these checks. Anything that would prevent a check should be noted in the logbook and brought to the attention of the on duty shift supervisor. Students shall have their doors shut and locked. Empty rooms shall be double locked. Empty rooms shall be double locked.*

**DCS Administrative Policies and Procedures 27.38-DOE – Youth Supervision:**

*B. All employees shall be concerned with safety, cleanliness, security, and order, which shall be accomplished in the following manner:*

*3. Know where youths in your charge are at all times and take frequent count to ensure that all youths are present.*

Because of your actions, you are also in direct violation of the **Tennessee Department of Human Resources rule 1120-10-03, articles:**

- (1) Inefficiency in the performance of duties;*
- (2) Incompetency in the performance of duties;*
- (3) Negligence in the performance of duties;*
- (18) Acts that would endanger the lives and property of others.*

The law, rules, and regulations entitle you to at least ten (10) calendar days paid notice of your separation from State service. **Therefore, your last official work day will be today, February 7, 2013.** Your ten calendar days paid notice begins February 8, 2013 and ends February 17, 2013. You will be paid for any regular work days through that date (Monday-Friday). You are not to report to work during the ten-day notice period.

Following the notice period, you will receive a lump sum payment for any accrued annual and/or compensatory leave for which you may be entitled. Upon receipt of this memorandum, you are expected to provide your State of Tennessee Identification Badge and any other state-issued property (laptop, cell phone, etc.) to your supervisor or Human Resources.